

AGENDA MEMO

CITY COUNCIL MEETING DATE: JANUARY 9, 2008

DEPARTMENT: PLANNING AND DEVELOPMENT

**ITEM DESCRIPTION: SUP-25126 - APPLICANT: SAN SALVADOR RESTAURANT
- OWNER: SMOKE RANCH PLAZA, LLC**

**** CONDITIONS ****

The Planning Commission (6-0 vote) and staff recommend APPROVAL, subject to:

Planning and Development

1. Conformance to all minimum requirements under LVMC Title 19.04.010 for Beer/Wine/Cooler On-Sale Establishment use.
2. Conformance to the conditions for Rezoning if approved.
3. This approval shall be void one year from the date of final approval, unless a business license has been issued to conduct the activity, if required, or upon approval of a final inspection. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. Approval of this Special Use Permit does not constitute approval of a liquor license.
5. This business shall operate in conformance to Chapter 6.50 of the City of Las Vegas Municipal Code.
6. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Special Use Permit for a proposed Beer/Wine/Cooler On-Sale Establishment for an existing restaurant at 6651 Smoke Ranch Road. The 1,508 square-foot existing restaurant is a full service, sit down restaurant seating available for 49 customers. There are no additional parking requirements as adequate on-site parking has been provided to the restaurant within the shopping center parking lot.

The existing restaurant meets the Title 19.04.010 requirements for a Beer/Wine/Cooler On-Sale Establishment. Staff therefore recommends approval of the Special Use Permit.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
6/05/91	The City Council approved a request for Reclassification of Property (Z-0028-91) located on the southwest corner of Smoke Ranch Road and Nemeth Road, From N-U (Non-Urban) to C-1 (Limited Commercial) Zone. The Planning Commission and Staff recommended approval.
7/28/92	The Board of Zoning Adjustment approved a Variance (V-0111-92) to allow a Secondhand Dealership for the sale of new and used children's clothing, nursery items and furniture, where the sale of used items is not allowed. NOTE: this application was originally accepted as Special Use Permit U-167-92.
12/06/07	The Planning Commission voted 6-0 to recommend APPROVAL (PC Agenda Item #9/mh).
<i>Related Building Permits/Business Licenses</i>	
8/24/92	Building Plan Check #L-946-92 issued for 1,508 square-foot tenant improvement for a restaurant at 6651 Smoke Ranch Road. Final inspection completed 9/18/92/
6/04/07	Business License #R09-04124 issued for Restaurant with seating for 45 or more.
11/08/07	Business License #L09-97043 for Beer/Wine/Cooler On-Sale at 6651 West Lake Mead Boulevard denied by Planning and Development pending approval of this Special Use Permit (SUP-25126)
<i>Pre-Application Meeting</i>	
8/30/07	A pre-application meeting was held with staff to discuss the addition of the On-Sale Beer/Wine/Cooler use to an existing licensed restaurant.
<i>Neighborhood Meeting</i>	
A neighborhood meeting was not required, nor was one held.	

Field Check	
10/23/07	<p>A field check was made by staff with the following observations:</p> <ul style="list-style-type: none"> • Salvadoran restaurant operating at the southeast edge of a General Retail Center. • Moderate amount of parking remaining for the General Retail Center as there is another restaurant located at the other end of the retail center (6679 West Lake Mead Boulevard)

Details of Application Request	
Site Area	
Net Acres	0.72 acres

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)
North	ROW/ General Retail	ROW/ SC (Service Commercial)	ROW/ C-1 (Limited Commercial)
South	Single Family Residential/ Undeveloped	SC (Service Commercial)	R-CL (Residential Compact Lot)/ U (Undeveloped-Service Commercial)
East	Undeveloped	SC (Service Commercial)	U (Undeveloped-Service Commercial) under Resolution of intent to C-1 (Limited Commercial)
West	General Retail	SC (Service Commercial)	C-1 (Limited Commercial)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan		X	NA
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
A-O Airport Overlay District – 140 feet	X		Y
Trails		X	NA
Rural Preservation Overlay District		X	NA
Development Impact Notification Assessment		X	NA
Project of Regional Significance		X	NA

A-O Airport Overlay District

The subject site of this proposal is restricted from encroaching upon the 140-foot airspace reserved for the North Las Vegas Airport. As the restaurant is in a completed commercial development that is well under this height restriction, this Special District does not affect this proposal.

DEVELOPMENT STANDARDS

- **Parking and Traffic Standards**

On-site parking requirements are provided in accordance with Table 2 of Section 19.04.010. For the addition of the Beer/Wine/Cooler On-Sale Establishment use, no additional parking is required beyond that which is required for the principal use on site. As this proposed use is located within an existing licensed restaurant, the parking requirements were previously addressed during the License Review for the restaurant at this site.

ANALYSIS

- **Land Use and Zoning**

The subject site is located within an established General Retail Center Beer/Wine/Cooler On-Sale Establishment is permitted in a C-1 (Service Commercial) zone with approval of a Special Use Permit.

- **Use**

In accordance with Title 19.04.010, a Beer/Wine/Cooler On-Sale Establishment is described as an establishment whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold, and is operated in connection with a restaurant in which 45 or more people may be served with meals at any one time at tables or stools. The existing restaurant meets these criteria as the provided floor plans show a typical restaurant layout with seating for 49 people.

- **Minimum Special Use Requirements**

Pursuant to Title 19.04, the following Standards apply to the subject proposal: Beer/Wine/Cooler On-Sale Establishment may not be located within 400 feet of any church, synagogue, school, child care facility licensed for more than 12 children, or City Park. The restaurant use is located in a suite within a commercial subdivision. There are no protected uses within 400 feet from the existing restaurant. Therefore, it meets the minimum distance separation requirement.

FINDINGS

The following findings must be made for a Special Use Permit:

1. **“The proposed land use can be conducted in a manner that is harmonious and compatible with existing surrounding land uses, and with future surrounding land uses as projected by the General Plan.”**

The proposed addition of the Beer/Wine/Cooler On-Sale Establishment within an existing restaurant is compatible with the SC (Service Commercial) General Plan land use designation and permissible with an approved Special Use Permit in the C-1 (Limited Commercial) Zoning District. Since the proposed addition of the On-Sale use is located within an existing restaurant in an established commercial center, staff finds that this proposal can be conducted in a manner that is harmonious and compatible with the surrounding uses.

2. **“The subject site is physically suitable for the type and intensity of land use proposed.”**

The addition of a the proposed Beer/Wine/Cooler-On Sale use will be operated in a restaurant within a portion of a General Retail Establishment. The site is physically suitable for this type of use as there are no protected uses within 400 feet of the subject site.

3. **“Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed use.”**

Site access is provided from Smoke Ranch Road, classified as a 100-foot wide Primary Thoroughfare. Internal circulation is adequate and the proposed use does not affect the requirements for the provided parking of the established restaurant.

4. **“Approval of the Special Use Permit at the site in question will not be inconsistent with or compromise the public health, safety, and welfare or the overall objectives of the General Plan.”**

The addition of the Beer/Wine/Cooler-On Sale use to the existing restaurant on this site will be subject to regular inspections by Business Licensing and will therefore not compromise the public health, safety and welfare, or the overall objectives of the General Plan.

5. **The use meets all of the applicable conditions per Title 19.04.**

The proposed addition of the Beer/Wine/Cooler-On Sale use to an existing restaurant complies with the Minimum Special Use Permit Requirements as listed in Title 19.04.010.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

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ASSEMBLY DISTRICT 37

SENATE DISTRICT 3

NOTICES MAILED 836 by City Clerk

APPROVALS 0

PROTESTS 2